

Resolution No.:	16-730
Introduced:	October 7, 2008
Adopted:	October 7, 2008

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Executive Regulation 18-08, County Solid Waste Collection Subdistricts

Background

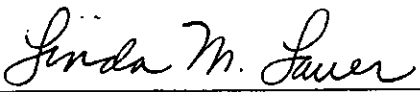
1. On September 11, 2008 the Council received Executive Regulation 18-08, "County Solid Waste Collection Subdistricts" from the County Executive.
2. Resolution No. 16-729 removed language from the Comprehensive Solid Waste Management Plan detailing how homeowners may seek to switch from one collection subdistrict to the other.
3. Regulation 18-08 includes the language removed from the Comprehensive Solid Waste Management Plan and will allow future changes to the transfer policy to be done by regulation.
4. Regulation 18-08 includes one change to the language previously included in the Comprehensive Solid Waste Management Plan. For areas that are not adjacent to the boundary of Subdistrict A or B, the regulation reduces the number of homes required to be included in a petition from 650 to 450.

Action

The County Council for Montgomery County, Maryland approves the following regulation:

Executive Regulation 18-08, County Solid Waste Collection Subdistricts is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: COUNTY SOLID WASTE COLLECTION SUBDISTRICTS	Number: 18-08
Originating Department: DEPARTMENT OF ENVIRONMENTAL PROTECTION	Effective Date: October 7, 2008

Montgomery County Regulation on:

COUNTY SOLID WASTE COLLECTION SUBDISTRICTS OFFICE OF THE COUNTY EXECUTIVE

Issued by: County Executive
Regulation No. 18-08

Authority: Montgomery County Code, 2004, Section: 48-29

Supersedes: Section 3.2.2.3 of the Comprehensive Solid Waste Management Plan

Council Review: Method (2) under Code Section 2A-15

Register Vol. 25 , No. 5

Effective Date: October 7, 2008

Comment Deadline: May 30, 2008

Summary: This regulation specifies procedures for transferring properties between those designated to receive both County recycling and refuse collection services (Subdistrict A) and County recycling collection service only (Subdistrict B). This regulation supersedes similar procedures currently specified in the Ten Year Comprehensive Solid Waste management Plan.

Address for comments: Department of Environmental Protection
Office of the Director
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Staff contact: Robin Ennis
240-777-6401



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Background Information:

Montgomery County provides both refuse collection and recycling collection services to some homes in the County and recycling collection service only to others. Service areas are established by designation of collection "Subdistrict". Chapter 48, Section 29(a) provides that: "The executive may expand or reduce the collection district under procedures adopted by Regulation under method (2) or by the county council in the comprehensive solid waste management plan. The executive may subdivide the collection district, and revise the boundaries of any subdistrict when that action will improve service or reduce cost." Currently those rules are stipulated in the Montgomery County Comprehensive Ten Year Solid Waste Management Plan, Section 3.2.2.3. This regulation will supersede those rules.

Section 1.

A group of homeowners in either Subdistrict A or B may petition for transfer from its subdistrict to the other subdistrict. The procedures for transfer are as follows:

(a) The group must propose the geographic boundaries of the area to be considered for transfer, referring to streets and other landmarks, and must submit to DEP a written petition legibly signed by one homeowner from at least 25 percent of the residences in the proposed transfer area. To be eligible for a transfer, an area that is adjacent to the boundary of Subdistrict A and B must contain at least 200 homes; any other area must contain at least 450 homes. In addition, an area that is surrounded by Subdistrict A and contains at least 25 homes is eligible for a transfer.

(b) DEP must approve the area for transfer after reviewing, or, if necessary, modify the proposed boundaries as appropriate for effective collection. Examples of boundaries that are appropriate for effective collection include, but are not limited to, a major roadway or a stream valley.

(c) DEP must determine whether the number of residences within the defined boundaries meets the requirements of Subsection (a) and must verify that the petition contains legible signatures from one homeowner from at least 25 percent of the residences within the proposed transfer area. If the petition does not contain signatures from one homeowner from at least 25 percent of the residences within the proposed transfer area, the DEP Director must deny the transfer request.

(d) Within 120 days after receiving a petition containing the minimum number of valid signatures, DEP must notify by mail, each homeowner in the proposed transfer area. The notice must



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inform each homeowner that households in Subdistrict A are charged an annual collection fee and that households in Subdistrict B are responsible either for contracting for private refuse collection or for disposing of refuse at an approved location. The notice must describe the current level of service and annual fee for County-provided refuse collection service and must inform the homeowner of the availability of private refuse collection services. The notice must also inform each homeowner of the boundaries of the proposed transfer area and of the date and location of a public hearing on the proposed transfer.

(e) The notice sent by DEP must also include a ballot on which the owner of each residence in the defined area may vote for or against the proposed transfer. Ballots must contain the name and address of the homeowner. DEP must set a last date for submission of ballots. The last date for ballot submission must be more than 60 days after the ballots are mailed to the homeowners.

(f) DEP must maintain a list of interested parties that have requested to be contacted of any pending balloting for a Subdistrict transfer. At least 15 days prior to mailing ballots to homeowners, DEP must notify all listed interested parties of the proposed transfer and of the date and location of a public hearing on the proposed transfer.

(g) DEP must hold a public hearing on the proposed transfer at least 15 days before the last date for ballot submission.

(h) Within 30 days after the last date for ballot submission, DEP must tally all votes received and determine whether the number of votes in favor of the proposed transfer exceeds 50 percent of the number of residences in the defined area. A ballot must be signed by one homeowner to be counted. The results of the balloting must be available for public review.

(i) If the number of votes in favor of the proposed transfer exceeds 50 percent of the number of residences in the defined area, the DEP Director must send a recommendation to the County Executive regarding the proposed transfer within 45 days after the last day for ballot submission. The County Executive must approve or disapprove the transfer within 30 days after receiving the DEP Director's recommendation. DEP must mail notice of the County Executive's decision to each homeowner in the proposed transfer area, the County Council, and listed interested parties. If the County Executive approves a transfer, this notification also must specify the effective date of the transfer.

(j) If the number of votes in favor of the proposed transfer does not exceed 50 percent of the number of residences in the defined area, the DEP Director must deny the transfer request.



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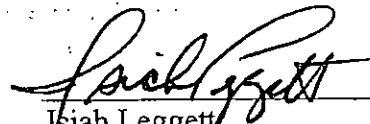
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(k) DEP must not accept a petition for a re-balloting of any area or any substantially similar area for two years after the last date for submission for a previous balloting. DEP may at any time make minor changes to subdistrict boundaries to correct errors or to remedy anomalies.

Section 2. Effective Date

These regulations shall take effect immediately upon adoption.


Isiah Leggett
County Executive

REMOVED AS TO FORM AND LEGALITY,
OFFICE OF COUNTY ATTORNEY
BY 
DATE July 14, 2008